

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HECTOR HUERTAS,)	
)	
Plaintiff,)	Case No. 1:10-cv-10-SJM-SPB
)	
v.)	
)	
JEFFREY BEARD, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Pending before the Court is Plaintiff's appeal [71] from the September 2, 2010 verbal order of U.S. Magistrate Judge Susan Paradise Baxter construing Plaintiff's motion for a protective order [66] as a motion in limine and denying it without prejudice on the grounds that it had been asserted prematurely. It is well settled that "Magistrate Judges have broad discretion to manage their docket and to decide discovery issues." *See Gerald Chamales Corp. v. Oki Data Americas, Inc.*, 247 F.R.D. 453, 454 (D.N.J. 2007) (citing cases). *See Ball v. C.O. Struthers*, Civil No. 1:11-CV-1265, 2011 WL 4891026 at *1 (M.D. Pa. Oct. 13, 2011) ("District courts provide magistrate judge's with particularly broad discretion in resolving discovery disputes.") (citing *Farmers & Merchs. Nat'l Bank v. San Clemente Fin. Group Sec., Inc.*, 174 F.R.D. 572, 585 (D.N.J. 1997)). "When a magistrate judge's decision involves a discretionary (discovery) matter..., 'courts in this district have determined that the clearly erroneous standard implicitly becomes an abuse of discretion standard.'" *Ball, supra*, at *1 (quoting *Saldi v. Paul Revere Life Ins. Co.*, 224 F.R.D. 169, 174 (E.D. Pa. 2004)).

AND NOW, to wit, this 31st Day of July, 2012,

This Court having considered Plaintiff's appeal and finding no abuse of the Magistrate Judge's discretion in regards to her ruling of September 2, 2010, and further finding that the Magistrate Judge did not commit clear error or otherwise act contrary to law, see 28 U.S.C. § 636(b)(1)(A),

IT IS ORDERED that the instant appeal shall be, and hereby is, DENIED and the aforementioned order of the Magistrate Judge shall be, and hereby is, AFFIRMED.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record
U.S. Magistrate Judge Susan Paradise Baxter